



**REGULAR MEETING
MINUTES
for
Wednesday, October 25, 2006
5th Floor Large Conference Room
and
Art Pick Council Chambers
Riverside City Hall, 3900 Main Street**

CASE REVIEW – 4:00 P.M.

1) Case Review Roll Call

Brewer	Davidson	Garcia	Arreola	Ward	Pearcy	Corral	Castro	Quinto
✓	✓	✓	✓	✓	✓	A	✓	A

✓ = Present A = Absent

Staff: Dr. Pedro Payne, Executive Director; Phoebe Sherron, Sr. Office Specialist

2) Public Comment

There were no public comments.

3) Commissioner Comments

There were no commissioner comments.

4) Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:05 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	CPRC CASE NO.	RPD CASE NO.		CPRC CASE NO.	RPD CASE NO.
1)	05-093	PC-05-283-029	6)	05-050	PC-05-159-176
2)	04-062	PC-04-237-038	7)	06-032	PC-06-06-011
3)	06-028	PC-06-05-003	8)	05-091	P3-05-275-171
4)	06-031	PC-06-05-006	9)	06-006	PC-06-046-181
5)	06-013	PC-06-059-190			

The Commission recessed at 5:30 P.M. to reconvene in the Council Chambers.

OPEN SESSION – 5:30 P.M.

The following proceedings have been digitally recorded.
For copies, please call the CPRC office at (951) 826-5509.

Chairman Davidson led in the Pledge of Allegiance.

REGULAR MEETING – ROLL CALL

Chairman Davidson asked Ms. Sherron to confirm commissioner attendance.

Brewer	Davidson	Garcia	Arreola	Ward	Pearcy	Corral	Castro	Quinto
✓	✓	✓	✓	✓	✓	A	✓	✓

✓ = Present A = Absent

Staff: Dr. Pedro Payne, Executive Director; Phoebe Sherron, Sr. Office Specialist

5) Public Comments

There were no public comments at this time.

6) Cloud Officer-Involved Death Case

CHAIRMAN DAVIDSON – We'll move right on to Item Number 6 – the Cloud officer-involved death case. I don't have an item listed here on Dr. Bailey's, uh... Dr. Bailey, was there a.... (response inaudible). Do you want to wait until after the report and I'll call on you just after that? Alright.

We invite the RPD, who is here tonight to give us a briefing.

DEP. CHIEF DOMINGUEZ – Good evening, commissioners. I'm Deputy Chief Dave Dominguez, chief of operations at the Riverside Police Department and we're here tonight to give a brief on an officer-involved shooting fatality that occurred on Sunday, October 8, 2006. If I could, just real briefly, introduce some of the staff that are involved in the investigation. I think you know Capt. Pete Esquivel – he's the liaison. Lt. Darryl Hurt is the Lieutenant who's in charge of our unit that handles our officer-involved shootings investigations, and Capt. Jim Cannon, who will be speaking in a minute, will give the brief, and Jim is the commander of our Investigation Division citywide. Again, I am the operations chief that handle all of operations within the city.

Again, we're here giving you a briefing and Jim will be reading some statements. I understand that certainly you would have some questions, but we won't have an opportunity to answer any questions tonight. We're preparing that casebook. We're working very closely with the District Attorney's office, the Sheriff's Department, who handles the coroner's end of it, and the liaison, again mentioned with the District Attorney, who we work closely with. We will prepare that casebook and submit it to your office via Pedro for that initial review along with all the documents that go along with the photos, the transcripts and all the history.

Certainly, we understand this is a difficult time for the Cloud family and also understand there certainly are some questions that not only you have, but members of the audience, but unfortunately at this time, since we are right in the middle of this investigation, that we really can't answer any questions and appreciate your understanding of that fact. With that, I'll turn it over to Capt. Cannon.

CAPT. CANNON – Good evening.

On Sunday, October 8, 2006, at approximately 4:18 PM, an officer was in the process of cite releasing an arrestee in front of the Home Depot store, which is located at 3323 Madison Avenue, for an unrelated theft investigation. During this time, the officer was told by a witness that a subject, later identified as Mr. Cloud, had stolen a pressure washer and ran from the business while being pursued by a Home Depot employee and several customers through the west parking lot.

Mr. Cloud ran to his vehicle in the Home Depot lot and entered it. The employee and two customers attempted

to detain Mr. Cloud while a third customer removed the stolen property from the back of Mr. Cloud's vehicle. As Mr. Cloud backed his vehicle out of the marked parking stall, one of the customers fell to the ground in a direct path of the vehicle. He narrowly missed being struck by Mr. Cloud because a store employee pulled him to safety.

Mr. Cloud escaped the three citizens attempting to detain him and proceeded westbound on Indiana Avenue at a high rate of speed estimated to be 55 – 65 miles an hour. Upon passing Jefferson Street, Mr. Cloud was driving westbound in the eastbound lanes of traffic. He narrowly missed a collision with a mini-van driving in the eastbound lanes and lost control of his vehicle, striking the north curb line of Indiana Avenue, just west of Detroit Street.

The vehicle continued westbound on the north sidewalk, spinning out of control, backwards, and crashed into a seven-foot palm tree, tearing it out of the ground. Mr. Cloud's vehicle also struck a Ford truck that was parked on display on the front, uh, in front of the dealership on the grass, which is at the dealership at 7973 Indiana Avenue.

The officer at Home Depot broadcast the theft as a robbery and gave a description of the suspect vehicle and direction of travel to other officers. Soon after, within minutes, officers Brett Stennett and Nicholas Vazquez arrived at the car dealership, where Mr. Cloud had crashed his vehicle. The officers exited their vehicles with their firearms drawn and began ordering Mr. Cloud out of his vehicle. Officer David Johansen also arrived on scene in a separate police car. He also exited his vehicle with his firearm drawn.

The officers saw Mr. Cloud look over at them, look over his shoulder at them, and then look away. Believing he was going to flee on foot, the officers approached the driver's side door of Mr. Cloud's vehicle. The officers ordered Mr. Cloud several times to keep his hands visible, but he repeatedly dropped them out of their sight to areas either between the driver's door side panel and the driver's seat or the driver's seat and the center console. He also refused several orders to exit the vehicle. One officer tried to open the driver's door due to collision damage and a second officer tried to open the passenger door, but it was locked.

Officer Stennett holstered his weapon and grabbed Mr. Cloud and attempted to pull him out of the vehicle. During the struggle, Mr. Cloud grabbed the center console and would not let go despite the officer's orders to do so. Since the officers could not see Mr. Cloud's hands, they were becoming more concerned for their safety.

Mr. Cloud grabbed the steering wheel of his vehicle and refused to let go. He began to turn the steering wheel in both directions as if he was trying to free his vehicle from his location on the grass while accelerating. Mr. Cloud was able to free himself from the officer's grasp, reposition himself in the driver's seat. He also continued to accelerate the engine, causing the tires to spin fast in an attempt to move the car.

Officers Vazquez and Johansen feared for their safety and the safety of other officers at the vehicle based on the belief that if Mr. Cloud was to free the vehicle at that point, they would be seriously injured by the vehicle since he was turning the steering wheel and pressing the accelerator in an attempt to free the vehicle and run them over. Officer Vazquez fired four times and Officer Johansen fired one time.

The investigation is continuing.

DEP. CHIEF DAVE DOMINGUEZ – As I mentioned earlier, Jim and his staff are working diligently, night and day, to complete our investigation. We have several steps that... in this process that, dependent on the Coroner's, Sheriff's Department – and we work very closely with them – they'll be staffing this and we'll be attending that. We'll finalize our reports, submit them up to my office and the Chief's office for review and at that time, we'll present them over to the District Attorney, but also present them over for, uh...to Pedro to prepare for your review.

With that, that concludes our presentation. Again, thank you understanding that this is a difficult time for the Cloud family and the Police Department is working diligently to continue our investigation and finish this case.

Thank you.

CHAIRMAN DAVIDSON – We'll go into the people who have asked to talk on that subject. Dr. Bailey, if you'd like to come up. You have five minutes...

DR. RON BAILEY

Ron Bailey. I want to thank the Commission for allowing me an opportunity to speak tonight.

It's been about a month since I addressed this commission and within that timeframe, there have been two more deaths at the hands of the Riverside Police Department. Two more deaths that potentially might have been avoided.

Instead of capitalizing on bridging the gap between racial, ethnic, and cultural divides in this community, the Riverside Police Department has once again chosen the path of serving as a flash point of corruption and despair. Two more deaths in what seemingly appears as a never-ending debacle of excessive force and brutality.

The Commission originally was established in the wake of the Tyisha Miller killing with a mission statement that "The mission of the Community Police Review Commission is to promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department," to date has been a failure.

Two deaths in one month cloaked in invisibility. The terms transparency has been used in a effort to bring to light issues of public concern. The names of the officers, the length of time they have been on the force, any issues of pattern and practice of excessive force. But will the problem be rectified by improving transparency or even hiring more cops? How does accountability relate to transparency or increased police presence? There is no association.

This committee's inaction or lack of follow-through on every case presented to it further sanctions police deviance and guarantees immunization from accountability for all law enforcement engaged in excessive force issues. Instead of pairing with the community, it would appear that this commission has become just another entity in a quagmire further guaranteeing the rogue cop from accountability.

As the details of the Cloud briefing were presented today, as you heard the proper condolence to the Cloud family offered by the Riverside Police Department, I urge you as a commission to think back at how many times this year we have heard that same statement. I urge you as a commission to examine in detail the sanitized scenario presented in the briefing. Note the effort made to neutralize police deviance and make it acceptable for the community at large. The psycho-dynamics are pretty straightforward – denial of responsibility: he, the victim, made me do it; denial of injury: no one that was innocent got hurt; denial of victim: he deserved it; condemning the condemners – and that's referring to you as a commission: they don't know anything; an appeal to higher authorities: protect your own. Haven't we all heard this before?

Thank you.

CHAIRMAN DAVIDSON – Thank you, Dr. Bailey. Michael Morales....

MR. MICHAEL MORALES

Good evening, ladies and gentlemen of the Commission. I moved from the County of Los Angeles after serving under the county for many years to Riverside about 13 years ago, thinking that this was going to be the little town USA where no violence, no crime – or at least, less than L.A. County. When I got here, the picture was very bleak and throughout the years, I've been coming to this podium during the regular City Council meetings to say that the City of Riverside has at least 10% of people that do not deserve city employment. Crime tip – more than 90% of the city employees are good people. They come here to serve this community. They come here to do their jobs. But it's the other 10% of people, employees, that concerns me. We're getting the rejects from some other cities.

In my conversations with Chief Russ Leach, I emphasize on asking him to hire people, or to give priority to people, applicants to the Police Department, that live in the City of Riverside, that care about this city. More than 20%, if not more, according to my findings – I'm a researcher / investigator on these matters – of city employees, more than 20% live in the City of Riverside. The rest live somewhere else.

The point that I'm trying to get across here, to be fair, the Police Department, in this little town USA, has lost, has lost some officers, as well, in the line of duty. If I'm not mistaken, three, within the last few years. It is not a matter of training – let's keep on training these people, once, twice, all over again – we have here an officer in both...in two years in two shootings, and I'm talking about Officer Terry Ellefson. He's still active. The investigation was within policy and he participated in – how shall I put it politely, I'm trying to refrain myself – in

the death of Todd Argow and Lee Dante Brown, April the 3rd, 2006, November, 2005.

I'm a Hamm radio operator and I listen from time to time to the radio communications, which I'm allowed to. I don't make those public, but I make the comments to the Chief of Police: language as "Negro;" language as "M & M's;" without distinction, if the person or the suspect is Middle Eastern, Mexican, or Chilean, or some other nationality, and when it comes to people that live in the project, within the trailer park, I have heard the language "trailer trash." In other words, it's not a matter of training, it's a matter of culture. People that do not live in this city, do not care about this community, come to work and get a salary, pension, retirement, vacation, hospital benefits, and we're paying for that.

We also pay for, in every police car in the City of Riverside, you have three elements – non-lethal: the tear gas, the taser and the baton, the PR-24. Every single police unit has a .32 shotgun, an M-16, and the officer's side arm. You mean to tell me that an officer, after being trained at the Police Academy and then getting more training that we pay for here in this city, you mean to tell me that he's afraid for his life any time that someone in the community faces them with a screwdriver in their hands or nothing at all, like captain says?

There was no mention in the Captain's report that Mr. Stephen Cloud had reached for the glove compartment, the front panel, but the report says also, "No weapon was found."

Thank you.

CHAIRMAN DAVIDSON – Thank you, Mr. Morales. Any other people would like to speak on Item #6?

Alright, you want to make a comment?

VICE-CHAIR WARD – Yeah, I would just like to say that, uh, in the present format, you know, I find these briefings to be rather useless, as far as I'm concerned, when you come before us and you give us information. We don't have any opportunity to respond. It's not like the information you've given us is all the information that's out there. There have been press releases. There are witnesses throughout the community and there's all kinds of information floating around about these particular shootings.

And, uh... so when you come before us with a briefing, it seems to me, that if we have some concerns, we ought to be able to address those concerns. And the concerns that we have, if you cannot speak to them at this time, perhaps you can speak to them in your investigation. But if we have concerns today, we cannot ask any questions, and if our concerns are not addressed in the investigation, then we're at a loss, and this is not a call for a termination of these briefings; I would just like to see them expanded to the point where, if we as commissioners have some questions or concerns, that we are able to address them during the briefing.

Thank you.

CHAIRMAN DAVIDSON – Any other commissioners like to comment at this time?

COMMISSIONER GARCIA – I do. I'd like to add on to what Commissioner Ward just said in reference to the briefings. What I would like to see in letter form to our Chief, uh, for him to address our next officer-involved shooting or death. I think it would be wise to see him at these meetings to address our questions or concerns and also for the public's questions or concerns. So if we can do that in letter format to the Chief for the next briefing.

CHAIRMAN DAVIDSON – I'd like to make one comment to the audience. Um, many times we, as commissioners, uh, because of polices and procedures that we're bound by, the Brown Act and things of that nature, we're not able to talk to you like normal people. And when something like this goes on and you see that we're quiet, it isn't because we don't care; it isn't because we didn't hear. But we...we're under strict rules that we cannot comment. Now whether these rules can be changed or not, that's something, certainly, Commissioner Ward has addressed tonight.

But I want all of the audience to realize it isn't our silence – don't pick that up as "we didn't hear or we don't care," because that would be a wrong impression and I hope none of you have that.

Any other comments by the commissioners?

COMMISSIONER ARREOLA – I'd like to make a comment. I understand there's concerns out there, but I think this is directed primarily, with all due respect, to community activists. We understand you're frustrated, but I think there's a way to carry out a positive message rather than continually bash the Police Department. If there are errors within the Police Department, there are ways to diplomatically assess those errors and I think, in the time that I've been here – next...the 8th of November will be officially my last day on the Commission. I'm interested in my community. I'm doing what I can to help the young people. But I...with all due respect with the community activists, um, let's work...create a workshop. I will participate as I'm allowed to. But we need to, somehow, collectively as a community, work together to solve some of these issues. The gentleman that officers are using derogatory terms – let's do things that are going to make this community, the City of Riverside – I've been here 15 years; I love my city – so let's do things that are going to assist all of us in understanding each other. There's no sense – I mean, I have friends of all colors; I've loaned people money of all colors... We need to somehow be more professional in the approach and what we say and do towards others.

Thank you.

7) CPRC Outreach

Chairman Davidson referred this item to Commissioner Brewer, who in turn referred it to Outreach Committee Chair Brian Pearcy.

Commissioner Pearcy asked that the item be tabled so that it can go before the Outreach Committee first, and then be brought to the full commission.

Vice-Chair Ward asked why the item was being tabled and Commissioner Pearcy responded that he had to leave for another meeting.

Vice-Chair Ward said he had talked with the Chairman earlier regarding taking the item off agenda. He said that if it's taken off, a decision needs to be made about when to address it and that the issue needs to be handled in open session.

Commissioner Pearcy said the item will be placed on the agenda for the next Outreach Committee meeting.

Commissioner Quinto said this was the first she'd seen of this item and noted that if it was regarding the Executive Director, that he is pivotal in outreach.

Chairman Davidson agreed that Dr. Payne has done great things regarding outreach and that is why he wants everyone to look at this item prior to discuss. He said he'd tried to take the item off on Friday, but was too late.

MOTION	Motion	Second	Approve	Oppose	Abstain
Table Item 7 regarding CPRC Outreach until it can be reviewed by the Outreach Committee and brought back to full Commission for discussion	Pearcy	Brewer	6	0	1

Linda Dunn asked if people who had asked to speak to this agenda item were going to get to speak.

Chairman Davidson said he felt it was not fair for public to comment on an item when they don't know the nature of the discussion.

After more discussion, Chairman Davidson asked for a motion on whether or not to let the public speak to Item 7.

MOTION	Motion	Second	For	Against	Abstain
To allow public comment on Item 7, which was tabled,	Arreola	Garcia	5	3	0

VICTORIA JACKSON

Ms. Jackson said that Dr. Payne has done a wonderful job and that the community misses him. She noted that his absence in meetings is very obvious and the community wants to know why.

Commissioner Brewer commented that he doesn't know what's going on either.

Commissioner Percy apologized for having to leave, noting that he, also, is not aware of what is going on.

GREGORY HAGANS

Mr. Hagans said that the Executive Director position should be reporting to the City Council to avoid conflicts of interest. He also said that legal opinion for the Commission should be from an outside source, noting that if it were set up that way, it would avoid certain perceptions in the community and said that someone needs to look into how that can be done.

BILL HOWE

Mr. Howe said the Executive Director's job description says he supposed to be doing outreach in the community, but knows that could be changed. He asked that, if Dr. Payne can't go out into the community on his own time, isn't that a violation of his civil rights.

DEBORAH WONG

Ms. Wong said it is heartrending to learn that there may be some redefinition of the Executive Director duties. She said she is concerned because the CPRC was created as a bridge between police and community and that she knows that commissioners put in lots of time on this commission. She said that to load outreach on top of that is unrealistic.

LINDA DUNN

Ms. Dunn gave the commissioners a statement that was read during the last council meeting. She said she doesn't think the Commission has had the support it needs from Council, the City Manager, or the City Attorney for job that need to be done. The statement noted that there needs to be more understanding of what the commissioners do and the difficulties they face. It also asked for insight regarding the process for reviewing officer-involved deaths and why it takes so long. She said that the community needs to understand the processes and wanted to know how that can happen if commissioners / Executive Director can't be at community meetings. She said that the Executive Director needs to report to the City Council and legal advice needs to be independent. If there is going to be less communication, less visibility, there will be a great impact. She said she hopes that the commissioners will look at their schedules and be out in the community more.

MARY SHELTON

Ms. Shelton said it was interesting to see a full house tonight. She said she was perplexed about the reluctance to let the public speak, noting that even when council items are pulled, they can be still spoken to. She said she agreed with Greg Hagans regarding independent council for the Commission. She said she also supports outreach and feels it's important for both commissioners and the Executive Director to be out in the community, noting that it's part of the charter to do outreach. She said it's better to have the community see the people on the Commission and telling the community to come to a 3 PM meeting when some have made special arrangements to be here at 5:30 is ridiculous.

MICHAEL MORALES

Mr. Morales said that people were once allowed to speak for five minutes at Council meetings, then three minutes and now people are escorted out for speaking. He said people should be recruited from the community and said they should be bilingual.

Chairman Davidson said he has been on the Commission for about four years and that he had Dr. Payne study the hours put in by commissioners. He said that he was one of the people who wanted an outreach committee, that he served on it and still supports it. He said he hoped the audience understood that the reason for pulling the item wasn't to not hear their comments. He noted that there is a proper way to do everything and there wasn't proper notification to commissioners.

8) **Approval of Minutes**

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
July 28 Informational Seminar (Special Meeting)	Brewer	Ward	5	0	1
September Regular Meeting	Brewer	Ward	5	0	1

9) **Executive Director's Report & Comments**

Executive Director Payne:

- good NACOLE Conference with good keynote speakers;
 - next year's will be in San Jose, CA
- CPRC investigator is working on both recent OID's

9) **CPRC Committee Membership**

- A) Outreach Committee – Commissioner Quinto for Brian Percy, Chair
 - No Meeting due to lack of quorum
- B) Budget Committee – Bob Garcia, Chair
 - No Meeting
 - Hopes to meet in November
- C) Policy & Procedure Review Committee - Jack Brewer, Chair
 - No Meeting – No Report

12) **Commissioner Comments**

Commissioner Garcia reported on the NACOLE Conference. He said he attended many good session and noted that he would leave the information he gathered with staff.

13) **Items for Future Commission Consideration**

There were no items for future Commission consideration.

14) **Adjournment**

The Commission adjourned at 7:00 PM.

Respectfully submitted,


 PHOEBE SHERRON
 Sr. Office Specialist